

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JON WHYMAN,

Plaintiff,

v.

SCOTT WHALEN,

Defendant.

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Civil Action No. 16-10049-LTS

ORDER ON MOTION TO DISMISS

July 15, 2016

SOROKIN, J.

The defendant Scott Whalen has moved to dismiss three counts of the amended complaint. Doc. No. 14. The motion is ALLOWED as to count nine, which asserts a violation of M.G.L. c. 149 § 19, for the reasons stated in open court on July 14, 2016, and for the reasons articulated in Hagenah v. Cmty. Enter., Inc., No. 15-cv-30036-KAR, 2016 WL 1170963, at \*5 (D. Mass. Mar. 23, 2016) and Travers-Sheik v. Habit Mgmt., Inc., No. 05-cv-11631-GAO, 2006 WL 3775957, at \*2 (D. Mass. Dec. 20, 2006). Insofar as the motion seeks to dismiss count seven of the amended complaint, which asserts a claim for malicious prosecution, and count eight, which alleges interference with advantageous relations, the motion is DENIED WITHOUT PREJUDICE to renewal at summary judgment.

SO ORDERED.

/s/ Leo T. Sorokin  
Leo T. Sorokin  
United States District Judge